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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
|-----------------|-------------|----------------------|---------------------|------------------|

10/740,035

12/18/2003

Simon Wilson

884A.0031.U1(US)

2504

29683 7590 01/24/2007  
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EXAMINER

DAVIS, ROBERT B

ART UNIT

PAPER NUMBER

1722

| SHORTENED STATUTORY PERIOD OF RESPONSE | MAIL DATE | DELIVERY MODE |
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3 MONTHS

01/24/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

**Office Action Summary**

Application No.

10/740,035

Applicant(s)

WILSON ET AL.

Examiner

Robert B. Davis

Art Unit

1722

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 16 October 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 15-28, 41 and 42 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 15-17, 19-28, 41 and 42 is/are rejected.
- 7) ☒ Claim(s) 18 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

***Response to Amendment***

1. The indicated allowability of claims 17 and 42 is withdrawn in view of the newly discovered reference(s) to Wood and Davis et al. Rejections based on the newly cited reference(s) follow.

***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 15-17 and 19-26 are rejected under 35 U.S.C. 102(b) as being anticipated by Wood (2,304,984: figures 1-3).

Wood teaches a multi-portion body (12, 13, 16, 17) defining a mold void (26) and at least one conduit (27) for injecting material into the mold void and a plurality of clamping members (14, 15) for clamping a preform (10) within the mold void. The clamping members define a shut-off volume (28) that the injected resin does not enter. The final article is shown in figure 3. The top-molding member (12) is resiliently biased towards the preform by a spring (19). The clamping members (14, 15) are continuous. The language regarding the label and the clamping at its perimeter is intended use. The mold of Wood is clearly capable of clamping a label. The perimeter clamping is not a function of a structure of the mold, but rather the relative size of the label. This has no patentable weight, as applicant is not positively reciting the label as a structural element.

Art Unit: 1722

4. Claims 15-17, 19-21, 24, 25, 28, 41 and 42 are rejected under 35 U.S.C. 102(b) as being anticipated by Davis et al (5,897,823: figures 3 and 6).

Davis et al teach a an upper mold (56) and a lower mold (62) defining a mold void (72, 82), an injection passage (68) for injecting plastic material into the mold void or cavity, and a plurality of clamping members (70, 30) for clamping a preform (34) within the mold such that the inner portion of the mold relative to the clamping members are free of injected resin. The clamping members are continuous. The language regarding the label and the clamping at its perimeter is intended use. The mold of Davis et al is clearly capable of clamping a label. The perimeter clamping is not a function of a structure of the mold, but rather the relative size of the label. This has no patentable weight, as applicant is not positively reciting the label as a structural element.

5. Claims 15, 16, 19-21, 24, 27, 28 and 41 are rejected under 35 U.S.C. 102(b) as being anticipated by Byrne (4,162,138: figures 1 and 2).

Byrne teaches an apparatus for injection molding a composite article comprising: opposing mold members (12 and 16) defining a mold cavity (17), a plurality of clamping members (14, 24) for clamping a preform (19) within the mold cavity, and an injection opening (13) for injecting material into the molding cavity. The language regarding the label and the clamping at its perimeter is intended use. The mold of Byrne is clearly capable of clamping a label. The perimeter clamping is not a function of a structure of the mold, but rather the relative size of the label. This has no patentable weight, as applicant is not positively reciting the label as a structural element.

***Allowable Subject Matter***

6. Claim 18 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

7. The following is a statement of reasons for the indication of allowable subject matter: In regards to claim 18, none of the prior art of record teach or suggest the apparatus of claim 17, wherein the shut-off volume is sized to house a lanyard or eyelet attached to the label.

8. Applicant's arguments with respect to claims 15-28, 41 and 42 have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

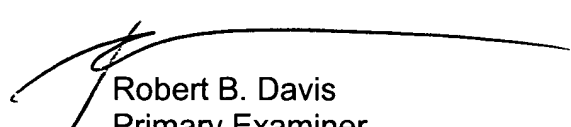
9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The remaining references disclose the state of the art of clamping members for preforms in a mold.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert B. Davis whose telephone number is 571-272-1129. The examiner can normally be reached on Monday-Friday 9-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Yogendra Gupta can be reached on 571-272-1316. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 1722

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Robert B. Davis  
Primary Examiner  
Art Unit 1722

1/22/07